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PATENT APPLICATION

ATTORNEY DOCKET NO. 10003977-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael Whitmarsh et al.Confirmation No.: 5015Application No.: 09/710,287Examiner: Thierry L. PhamFiling Date: November 10, 2000Group Art Unit: 2624Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

Mail Stop Appeal Brief-Patents
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TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 22, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.138(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Rev 10/05 (Ap/Brief)

Respectfully submitted,

Michael Whitmarsh et al.


Scott A. Lund

Attorney/Agent for Applicant(s)

Reg No.: 41,186Date: March 31, 2006Telephone: (612) 573-2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Whitmarsh et al. Examiner: Thierry L. Pham
Serial No.: 09/710,287 Group Art Unit: 2624
Filed: November 10, 2000 Docket No.: 10003977-1
Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT
ADVISOR SERVICE

CERTIFICATE OF TRANSMISSION

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Sir:

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1. Transmittal Letter for Appeal Brief (1 pg.);
2. Appeal Brief under 37 C.F.R. §41.37 (18 pgs.);

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20 PAGES – INCLUDING COVER PAGE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Michael Whitmarsh et al.	Examiner:	Thierry L. Pham
Serial No.:	09/710,287	Group Art Unit:	2624
Filed:	November 10, 2000	Docket No.:	10003977-1
Title:	PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Dear Sir/Madam:

This Appeal Brief is submitted in support of the Notice of Appeal filed March 22, 2006, appealing the rejection of claims 1-3, 5-22, and 25-29 of the above-identified application as set forth in the Final Office Action mailed November 2, 2005.

The U.S. Patent and Trademark Office is hereby authorized to charge **Deposit Account No. 08-2025** in the amount of **\$500.00** for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. § 41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

Appellant respectfully requests consideration and reversal of the Examiner's rejection of pending claims 1-3, 5-22, and 25-29.

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**Appeal Brief to the Board of Patent Appeals and Interferences
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Appellant: Michael Whitmarsh et al.

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TABLE OF CONTENTS

Real Party in Interest.....	3
Related Appeals and Interferences.....	3
Status of Claims.....	3
Status of Amendments.....	3
Summary of The Claimed Subject Matter.....	3
Grounds of Rejection to be Reviewed on Appeal.....	4
Argument.....	5
Conclusion.....	9
Claims Appendix.....	10
Evidence Appendix.....	17
Related Proceedings Appendix.....	18

**Appeal Brief to the Board of Patent Appeals and Interferences
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Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-3, 5-22, and 25-39 are pending in the application (see Claims Appendix), and are the subject of the present Appeal.

Claims 1-3, 5-22, and 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al. U.S. Patent No. 6,330,542 in view of Nakatsuyama U.S. Patent No. 5,875,441.

STATUS OF AMENDMENTS

No amendments have been entered subsequent to the Final Office Action mailed November 2, 2005. The claims listed in the Claims Appendix, therefore, reflect the claims as of November 2, 2005.

SUMMARY OF THE CLAIMED SUBJECT MATTER

One aspect of the present invention, as claimed in independent claim 1, provides a method of processing a print job (12) of a customer (14) before submitting the print job to at least one of a plurality of print providers (22), with the print job being defined by a data file (38) for the print job and a print request (42) identifying at least one attribute of the print job as specified by the customer. The method includes providing a print processing system controller (28) having a printing capability (46) of the print providers registered therewith; defining a network communication link (30) between the customer and the print processing

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

system controller; receiving (112) the data file for the print job at the print processing system controller via the network communication link; determining (114) at least one document type (40) for the print job with the print processing system controller based on characteristics of the print job as included in the data file for the print job; presenting (116) the at least one document type for the print job to the customer via the network communication link; and receiving (120) the print request for the print job at the print processing system controller via the network communication link, wherein determining the at least one document type for the print job includes processing the data file for the print job and analyzing characteristics of the print job with the print processing system controller to determine the at least one document type for the print job, and wherein receiving the print request includes specifying (118) a document type for the print job from the at least one document type for the print job and identifying the at least one attribute of the print job as specified by the customer (see, e.g., Specification at p. 7, line 8 - p. 8, line 14; p. 17, line 23 - p. 19, line 2; and Figs. 2 and 12).

One aspect of the present invention, as claimed in independent claim 19, provides a system for processing a print job (12) of a customer (14) before submitting the print job to at least one of a plurality of print providers (22), with the print job being defined by a data file (38) for the print job and a print request (42) identifying at least one attribute of the print job as specified by the customer, wherein the system includes a print processing system controller (28) configured to have a printing capability (46) of the print providers registered therewith such that the print processing system controller is adapted to receive the data file for the print job from the customer, and process the data file for the print job and analyze characteristics of the print job to determine at least one document type (40) for the print job based on characteristics of the print job as included in the data file for the print job, and adapted to present the at least one document type for the print job to the customer, and receive the print request for the print job from the customer, wherein the print request specifies a document type for the print job from the at least one document type for the print job and identifies the at least one attribute of the print job as specified by the customer (see, e.g., Specification at p. 7, line 8 - p. 8, line 14; and Fig. 2).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the rejection of claims 1-3, 5-22, and 25-39 under 35

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

U.S.C. 103(a) as being unpatentable over Sevcik et al. U.S. Patent No. 6,330,542 in view of Nakatsuyama U.S. Patent No. 5,875,441.

ARGUMENT

Rejection Under 35 U.S.C. §103

A. Applicable Law

Under 35 U.S.C. §103, the Examiner has the burden to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Three criteria must be satisfied to establish a *prima facie* case of obviousness. First, the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would teach, suggest, or motivate one to modify a reference or to combine the teachings of multiple references. *Id.* Second, the prior art can be modified or combined only so long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Third, the prior art reference or combined prior art references must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). These three criteria are also set forth in M.P.E.P. §706.02(j). Even when obviousness is based on a single reference, there must be a showing of suggestion or motivation to modify the teachings of that reference. *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). In performing the obviousness inquiry under 35 U.S.C. §103, the Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990).

B. Rejection of claims 1-3, 5-22, and 25-39 under 35 U.S.C. §103(a)

Because the rejection of claims 1-3, 5-22, and 25-39 under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al. U.S. Patent No. 6,330,542 in view of Nakatsuyama U.S. Patent No. 5,875,441 fails to establish a *prima facie* case of obviousness, the rejection of claims 1-3, 5-22, and 25-39 is not correct and should be withdrawn.

Independent claim 1 is directed to a method of processing a print job as defined by a data file for the print job and a print request identifying at least one attribute of the print job as specified by the customer, and includes determining at least one document type for the print job with the print processing system controller based on characteristics of the print job

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

as included in the data file for the print job, and receiving the print request for the print job at the print processing system controller via the network communication link, wherein determining the at least one document type for the print job includes processing the data file for the print job and analyzing characteristics of the print job with the print processing system controller to determine the at least one document type for the print job, and wherein receiving the print request includes specifying a document type for the print job from the at least one document type for the print job and identifying the at least one attribute of the print job as specified by the customer.

Independent claim 19 is directed to a system for processing a print job as defined by a data file for the print job and a print request identifying at least one attribute of the print job as specified by the customer, wherein the print processing system controller is adapted to receive the data file for the print job from the customer, and process the data file for the print job and analyze characteristics of the print job to determine at least one document type for the print job based on characteristics of the print job as included in the data file for the print job, and wherein the print processing system controller is adapted to present the at least one document type for the print job to the customer, and receive the print request for the print job from the customer, such that the print request specifies a document type for the print job from the at least one document type for the print job and identifies the at least one attribute of the print job as specified by the customer.

Regarding independent claims 1 and 19, the Examiner contends that the Sevcik et al. patent discloses providing a print processing system controller having a printing capability of the print providers registered therewith, defining a network communication link between the customer and the print processing system controller, receiving the data file for the print job at the print processing system controller via the network communication link, determining at least one document type for the print job via the print processing system controller, including processing the data file for the print job to determine the at least one document type for the print job, presenting the at least one document type for the print job to the customer via the network communication link, and receiving the print request for the print job at the print processing system controller via the network communication link, the print request specifying a document type for the print job from the at least one document type for the print job and

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

identifying the at least one attribute of the print job as specified by the customer (Final Rejection mailed November 2, 2005, at pages 2-3).

The Examiner recognizes, however, that the Sevcik et al. patent does not disclose determining a type of document based on the characteristics of the print job as included in the data file for the print job and analyzed by the print processing system controller (Final Rejection mailed November 2, 2005, at page 3). As such, the Examiner contends that the Nakatsuyama patent discloses a method for determining a type of document based on the characteristics of the print job as included in the data file for the print job and analyzed by the print processing system controller (Final Rejection mailed November 2, 2005, at page 3). Thus, regarding independent claims 1 and 19, the Examiner suggests that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Sevcik et al. patent in view of the Nakatsuyama patent by allowing users to search for the type of documents based upon user's input requests and displaying the results to the users (Final Rejection mailed November 2, 2005, at pages 3-4).

Appellant, however, submits that modifying the Sevcik et al. patent in view of the Nakatsuyama patent would not result in the present invention. For example, the system of the Nakatsuyama patent takes a query 3a as input and retrieves specific document types that can generate a document satisfying the query 3a, wherein the query is designed by the user and includes a designation such as an element type of an element in a document, a connection relationship between elements, and a string that is included in a text in an element (col. 6, lines 47-59). As such, the query 3a of the Nakatsuyama patent is a condition that documents to be retrieved should satisfy (col. 6, lines 47-48). Accordingly, with the system of the Nakatsuyama patent, only document types that can generate a document satisfying the query 3a of the user are retrieved (col. 7, lines 12-15). The system of the Nakatsuyama patent, however, does not determine a document type for the print job based on characteristics of the print job as included in a data file for the print job, wherein the data file for the print job is distinguished from a print request for the print job in that the print request identifies at least one attribute of the print job as specified by the customer.

Accordingly, Appellant submits that modifying the Sevcik et al. patent in view of the Nakatsuyama patent, in the manner suggested by the Examiner, does not overcome the shortcomings of the Sevcik et al. patent and, therefore, does not teach or suggest all of the

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

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Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

limitations of the present claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of independent claims 1 and 19, and that independent claims 1 and 19 are each patentably distinct from the Sevcik et al. and Nakatsuyama patents. Furthermore, as dependent claims 2-3 and 5-18 further define patentably distinct claim 1, and dependent claims 20-22 and 25-39 further define patentably distinct claim 19, Appellant submits that these dependent claims are also patentably distinct from the Sevcik et al. and Nakatsuyama patents. Appellant, therefore, respectfully submits that the rejection of claims 1-3, 5-22, and 25-39 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and that claims 1-3, 5-22, and 25-39 should be allowed.

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Appeal Brief should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
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Date: Mar. 31, 2006
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Scott A. Lund
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By 
Name: Scott A. Lund

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

CLAIMS APPENDIX

1. (Previously Presented) A method of processing a print job of a customer before submitting the print job to at least one of a plurality of print providers, the print job being defined by a data file for the print job and a print request identifying at least one attribute of the print job as specified by the customer, the method comprising:
 - providing a print processing system controller having a printing capability of the print providers registered therewith;
 - defining a network communication link between the customer and the print processing system controller;
 - receiving the data file for the print job at the print processing system controller via the network communication link;
 - determining at least one document type for the print job with the print processing system controller based on characteristics of the print job as included in the data file for the print job, including processing the data file for the print job and analyzing characteristics of the print job with the print processing system controller to determine the at least one document type for the print job;
 - presenting the at least one document type for the print job to the customer via the network communication link; and
 - receiving the print request for the print job at the print processing system controller via the network communication link, the print request specifying a document type for the print job from the at least one document type for the print job and identifying the at least one attribute of the print job as specified by the customer.
2. (Previously Presented) The method of claim 1, wherein defining the network communication link includes defining an Internet communication link between the customer and the print processing system controller.
3. (Previously Presented) The method of claim 1, wherein determining the at least one document type for the print job includes processing the data file for the print job and determining from the data file at least one of a file format, a number of pages, a print medium, a printing layout, a color content, and an image presence of the print job.

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

4. (Cancelled)
5. (Previously Presented) The method of claim 1, wherein identifying the at least one attribute of the print job includes specifying at least one of a number of copies, a cost characteristic, a quality characteristic, and a due date characteristic for the print job.
6. (Previously Presented) The method of claim 1, wherein identifying the at least one attribute of the print job includes specifying at least one of a print medium, a printing layout, a color printing option, a finishing option, a delivery option, and a due date for the print job.
7. (Previously Presented) The method of claim 6, wherein identifying the at least one attribute of the print job includes specifying a plurality of selections for the at least one of the print medium, the printing layout, the color printing option, the finishing option, the delivery option, and the due date for the print job.
8. (Previously Presented) The method of claim 1, further comprising:
 - determining with the print processing system controller which of the print providers have the printing capability to fulfill the print job, including comparing the print request and the data file for the print job with the printing capability of the print providers;
 - compiling with the print processing system controller a list of at least one quote of at least one of the print providers which has the printing capability to fulfill the print job; and
 - presenting the list of the at least one quote to the customer via the network communication link.
9. (Original) The method of claim 8, wherein the list of the at least one quote includes at least two quotes of the at least one of the print providers.
10. (Previously Presented) The method of claim 8, wherein defining the network communication link includes defining the network communication link between the

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

customer, the print providers, and the print processing system controller, and further comprising:

selecting a quote from the list of the at least one quote and at least one print provider of the at least one of the print providers to fulfill the print job; and
submitting the print job to the at least one print provider via the network communication link.

11. (Previously Presented) The method of claim 1, wherein the print processing system controller has a plurality of document models included therein, and further comprising:

creating the print job from a document model of the plurality of document models.

12. (Previously Presented) The method of claim 11, wherein creating the print job includes:

receiving a print job type at the print processing system controller,
compiling with the print processing system controller a set of document models from the plurality of document models based on the print job type, the set of document models including the document model of the plurality of document models, and
presenting the set of document models to the customer via the network communication link.

13. (Previously Presented) The method of claim 12, wherein creating the print job further includes selecting the document model from the set of document models.

14. (Previously Presented) The method of claim 11, wherein creating the print job includes selecting at least one of a print medium, a printing layout, a color printing option, and a finishing option for the print job from the document model.

15. (Previously Presented) The method of claim 14, wherein creating the print job further includes presenting a cost for each of the at least one of the print medium, the printing layout, the color printing option, and the finishing option for the print job to the customer via the network communication link.

**Appeal Brief to the Board of Patent Appeals and Interferences
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Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

16. (Previously Presented) The method of claim 11, wherein creating the print job includes selecting a document template for the print job from the document model.

17. (Previously Presented) The method of claim 1, wherein defining the network communication link includes defining the network communication link between the customer, the print providers, and the print processing system controller, and further comprising:

registering the print capability of each of the print providers with the print processing system controller via the network communication link.

18. (Previously Presented) The method of claim 17, wherein registering the printing capability includes registering at least one of a file format compatibility, a print medium capability, a printing layout capability, a color printing capability, a finishing capability, and a delivery capability of each of the print providers.

19. (Previously Presented) A system for processing a print job of a customer before submitting the print job to at least one of a plurality of print providers, the print job being defined by a data file for the print job and a print request identifying at least one attribute of the print job as specified by the customer, the system comprising:

a print processing system controller configured to have a printing capability of the print providers registered therewith,

wherein the print processing system controller is adapted to receive the data file for the print job from the customer, and process the data file for the print job and analyze characteristics of the print job to determine at least one document type for the print job based on characteristics of the print job as included in the data file for the print job, and

wherein the print processing system controller is adapted to present the at least one document type for the print job to the customer, and receive the print request for the print job from the customer, wherein the print request specifies a document type for the print job from the at least one document type for the print job and identifies the at least one attribute of the print job as specified by the customer.

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

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Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

20. (Original) The system of claim 19, wherein the at least one document type for the print job is based on at least one of a file format, a number of pages, a print medium, a printing layout, a color content, and an image presence of the print job.
21. (Original) The system of claim 19, wherein the print processing system controller is configured to communicate with the customer via a network communication link, and wherein the print processing system controller is adapted to receive the data file for the print job from the customer via the network communication link.
22. (Original) The system of claim 21, wherein the network communication link is an Internet communication link.
23. (Cancelled)
24. (Cancelled)
25. (Previously Presented) The system of claim 19, wherein the at least one attribute of the print job includes at least one of a number of copies, a cost characteristic, a quality characteristic, and a due date characteristic for the print job.
26. (Previously Presented) The system of claim 19, wherein the at least one attribute of the print job includes at least one of a print medium, a printing layout, a color printing option, a finishing option, a delivery option, and a due date for the print job.
27. (Previously Presented) The system of claim 26, wherein the at least one attribute of the print job includes a plurality of selections for the at least one of the print medium, the printing layout, the color printing option, the finishing option, the delivery option, and the due date for the print job.

**Appeal Brief to the Board of Patent Appeals and Interferences
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Appellant: Michael Whitmarsh et al.

Serial No.: 09/710,287

Filed: November 10, 2000

Docket No.: 10003977-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH DOCUMENT ADVISOR SERVICE

28. (Previously Presented) The system of claim 21, wherein the print processing system controller is adapted to compare the print request and the data file for the print job with the printing capability of the print providers and determine which of the print providers have the printing capability to fulfill the print job, compile a list of at least one quote of at least one of the print providers which has the printing capability to fulfill the print job, and present the list of the at least one quote to the customer via the network communication link.

29. (Original) The system of claim 28, wherein the list of the at least one quote includes at least two quotes of the at least one of the print providers.

30. (Original) The system of claim 28, wherein the network communication link is an Internet communication link.

31. (Original) The system of claim 19, wherein the print processing system controller has a plurality of document models included therein, and wherein the print job is created from a document model of the plurality of document models.

32. (Original) The system of claim 31, wherein the print processing system controller is adapted to receive a print job type, compile a set of document models from the plurality of document models based on the print job type, and present the set of document models to the customer via a network communication link, the set of document models including the document model of the plurality of document models.

33. (Original) The system of claim 31, wherein the network communication link is an Internet communication link.

34. (Original) The system of claim 31, wherein each of the document models include at least one of a print medium option, a printing layout option, a color printing option, and a finishing option for the print job.

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35. (Original) The system of claim 34, wherein each of the document models include a cost for each of the at least one of the print medium option, the printing layout option, the color printing option, and the finishing option for the print job.
36. (Original) The system of claim 31, wherein each of the document models include at least one document template for the print job.
37. (Original) The system of claim 19, wherein the printing capability of each of the print providers is registered with the print processing system controller via a network communication link.
38. (Original) The system of claim 37, wherein the network communication link is an Internet communication link.
39. (Original) The system of claim 37, wherein the printing capability of each of the print providers includes at least one of a file format compatibility, a print medium capability, a printing layout capability, a color printing capability, a finishing capability, and a delivery capability.
- 40-45. (Cancelled)

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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